

**CITY OF GLOUCESTER
CONSERVATION COMMISSION MINUTES
WEDNESDAY, January 20, 2010 - 7:00 PM
CATA CONFERENCE ROOM - 3 POND ROAD
ROBERT GULLA, CHAIRMAN**

Members Present:

**Robert Gulla, Chair
Barry Gradwohl, Commissioner
John Feener, Commissioner
Charles Anderson, Commissioner
Lisa Press, Agent
Pauline Doody, Scribe**

Items on this agenda will not be heard before the time specified.

I. 1-5 minutes maximum, review of amended, updated or final information, status reviews, modifications, signing decisions etc.

28-1953 76 High Popples to discuss wall material.

The retaining wall at 76 High Popples road will be 3-4 feet in height and made of granite block and laid dry so the water will flow right through it. The back of the wall will be of crushed stone. There is no change in site dimensions or elevation.

Public comment: None

Motion: To approve

1st: Charles Anderson

2nd: Barry Gradwohl

Vote: All approved 4-0

**II. PUBLIC COMMENT
None**

III MINUTES REVIEW

To be reviewed at next meeting as all members are not present.

IV PUBLIC HEARING 7:15 PM

A. New- 10 Rocky Neck Avenue, after the fact Request for Determination submitted by Felicia Sheedy, re-construct a deck and a roof over in coastal bank resource area. (Map 13, Lot 25).

Presenter: Peter Sheedy 128 Magnolia Ave, Gloucester, Ma.

Mr. Sheedy stated that the roof covers about half of the deck and that the work has already been completed.

Commission Comments:

Robert Gulla explained to Mr. Sheedy that 2-1 mitigation would have to be completed for this project. He stated that it would be approximately 200 square feet of mitigation.

John Feener asked if there was a concrete slab on the site. Mr. Sheedy stated there was and has been there and does not go under deck. Mr. Feener asked if there would be there run off? Mr. Sheedy said there would be and Mr. Feener suggested doing a drip line with no point drip charge, a drainage trench or rain barrel or gutter spouts with two rain barrels.

Public Comments: None

Conditions:

- **Install two rain barrels if gutters are used**
- **1-1 mitigation of approximately 200 sq ft because deck itself is semi impervious**
- **Provide to the commission a planting plan for approval prior to work being done.**

Motion: Negative Determination

1st: Barry Gradwohl

2nd: John Feener

Vote: All approved 4-0

B. New- 292 Washington Street- Notice of Intent submitted by Edward Holden, Addison Gilbert Foundation Inc., to conduct repairs and maintenance to a drainage system and detention pond in a buffer zone area. (Map 90 lot 4)

Presenter: Bob Griffin, Griffin Engineering

Behind the parking area of the Seacoast Nursing Home there is a retention pond, which is in need of repair and continued maintenance to work effectively.

The area is overgrown with vegetation, there is a tree growing in the area and silt is clogging the catch basins. There has been little or no maintenance of the site in years. Mr. Griffin stated that they would remove the silt by water jet vacuum and cut back the vegetation to improve flow. He feels the detention pond vegetation should be cut back 1-2 times per year. The also stated it would cut trees on one side of the berm.

Commission Comments:

John Feener would like to mark the area where trees will be cut so there is no confusion as to where the work is to be done.

Mr. Gulla stated that the road is prone to having water issues and understands that a catch basin was taken out years ago.

Mr. Gulla asked Lisa Press to inform the city engineer of this issue and ask him to check on the road status.

Public Comments:

Mr Hal Goodhue, 25 Ferry St., Gloucester, Ma.

Mr. Goodhue stated that ever since the catch basin by Ferry St was taken out, there have been water issues. Mr. Goodwin also stated that the pipes cross a driveway and that they should be aware of that.

Gail Goodhue, 25 Ferry St, Gloucester, Ma.

Ms. Goodhue also commented on getting water through property and is concerned the work might actually cause more problems.

Conditions:

- Yearly cutting of nuisance vegetation with phone call to the Commission prior to work being done.
- There is to be no impact to road when complete
- Monitor sediment to confirm that it is not going into the road
- Monitoring of site to occur for 1 year
- Applicant, City Engineer, and Lisa Press to meet at site prior to work being done.
- Tree removal to be flagged

Motion: To approve detention pond work

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: All approved 4-0

C. New- 29 Ferry Street- Notice of Intent submitted by Edward Holden, Addison Gilbert Foundation Inc., to conduct repairs and maintenance to a concrete pipe culvert under an access driveway in a riverfront resource area. (Map 92 lots 89, 90).

Presenter: Bob Griffin, Griffin Engineering

Behind the parking area of the Seacoast Nursing Home there are pipes that are in need of repair and maintenance. The pipes are full of silt, the headwalls have collapsed and it is full of debris that needs to be cleaned out. Mr. Griffin stated that the work they would like to do is to dig out the area up and down stream and create a swale. They would then water jet and vacuum out the pipes and rebuild the headwalls. Originally 18" pipes were installed and only 15" is needed. They will slide 15" pipes into the 18" pipes so they will work properly as originally planned. Silt fences will be put in place to limit the area of work.

Commission Comments:

Lisa Press is waiting for DEP comments because of coastal bank area.

John Feener stated that phragmites would grow back every year.

John Feener asks to get the public involved with site visit and Lisa Press stated she would call them to join them on the visit.

Public Comments: None

Conditions:

- Lisa Press to go to the site within 24 hours to make sure everything is in compliance.
- Vegetation maintenance plan to be provided to the commission

Motion: To continue to 5 minute review on February 3, 2010 @ 7:00

1st: John Feener

2nd: Barry Gradwohl

Vote: All approved 4-0

D. Continuation- 28-2031- Pearce's Island – Notice of Intent submitted David William, to erect a shed, and to maintain an after the fact deck and enlarge same in riverfront. (Map 244 lot 2).

Presenter:

David Williams 72 Fernald St, Gloucester, Ma.

Mr. Williams stated he has been in touch with Dave Sargent and has been told to remove the board at the bottom of the shed. He will also be planting salt tolerant vegetation and donating to the Stubby Knowles Audubon Society-- Salt Marsh Education program.

Sal Testeverde is starting a class on salt marsh study in May and would like to use Mr. Williams island for education. This will be used as part of his mitigation

Commission Comments:

The new deck is being on rocky edge tidal shore and the shed will be up on the lawn and scaled back to 4x8. Mr. Williams will not be storing floats on marsh anymore and will be moved elsewhere.

John Feener stated he would like education mitigation to be documented for public knowledge.

Public Comments: None

Conditions:

- **Need to receive the Shellfish and Harbormaster comments before moving forward.**
- **Syllabus on class for mitigation**

Motion: To continue to February 3, 2010 @ 7:05 p.m.

1st: John Feener

2nd: Barry Gradwohl

Vote: All approved 4-0

PUBLIC HEARINGS 8:15 PM

A. New- 14 Samuel Riggs Circle- Notice of Intent submitted by David Guthrie, , to construct a pier, gangway, and float in a coastal bank resource area at Mill River. (Map 112 lot 21).

Presenter: Mark Slager, 47 Elm St, Wakefield, Alan Engineering

This project involves the removal of the existing dock and a portion of a pier. It will be replaced with a new pier and dock in the Mill River. The new pier will be of a

construction methodology that will float 18" above the coastal bank. There will be no disturbance of the area.

DEP commented on the unusual property line and requested from an abutter documentation saying that there were no issues with where the pier is going to be located.

The pier will be removed seasonally.

Commission Comments:

Lisa Press asked if between the deck and last float would touch. Mr. Slager stated they would not.

Rob Gulla asked how the deck would be connected. Mr. Slager stated with a hinged gangway.

Lisa Press stated that they would not have a comment from Shellfish or DEP until Friday.

Public Comments: None

Conditions: None at this time

Motion: To continue to February 3, 2010 @ 8:15

1st: John Feener

2nd: Barry Gradwohl

Vote: All approved 4-0

B. New- 28-1897-Brace Cove Road - Notice of Intent submitted by Robert Elwell, Association of Eastern Point residents, to amend existing Order of Conditions to include beach cleaning and path and vista pruning in a coastal resource area. (Map 134 lot 28).

Presenter: Robert Elwell, 24 St Louis Ave, Gloucester, Ma.

Mr. Elwell stated that he was informed that he needs an NOI instead of letter permit for the work he would like to do on Brace Cove Road.

He is hoping that the beach cleaning and path and vista pruning will only have to be done once a year, however he is asking for permission for four times a year in case of storms etc.that would require extra clean up times.

Commission Comments:

Lisa Press brought to this to Jill' Provencal's attention and she said to amend the order and to notify abutters.

We are waiting on comments from both the DEP and Natural Heritage to state that everything has been integrated and stay below the high tide line.

Lisa Press wanted to confirm that the area will only be surface raked and that the Honeysuckle will not be taken out.

Public Comments: None

Conditions:

- **Lisa Press is to be called before raking occurs.**

- **Natural Heritage and DEP comments to be received prior to work**

Motion: To approve

1st: John Feener

2nd: Barry Gradwohl

Vote: All approve 4-0

C. New-, 458 Washington Street- Notice of Intent submitted by Frank Piraino to demolish and re-build accessory cottage in coastal bank and riverfront resource areas. (Map 109 lot 1).

Presenter: Bill Manuel, Wetlands and Land Management

There is a cottage on site that will be rebuilt. The cottage is located in a buffer zone and riverfront area. A foundation will be put in and construction access will be mostly in the lawn area. The applicant would like to move it to the south to make it zoning compliant. Mr. Manuel stated that erosion controls would be put in place.

Mr. Manuel stated that they might also want to add a deck to the cottage.

Commission Comments:

Barry Gradwohl asked if the cottage has a bathroom and where does the sewerage go. Mr. Manuel confirmed that it does have a bathroom and that it will be pumped into existing step tank system that is located up the hill. A line will have to run up the hill.

Lisa Press is concerned with the fact that the public was given information as stated above, and now it may be different with the potential move in the cottage location and deck being added to the project.

All trenching and utilities work will have to be documented as well as new footprint documentation will have to be provided.

Robert Gulla would like to see an attempt for the mitigation of Phase One to begin before the commission start on new mitigation plan for this phase of the project.

John Feener would like to see the cottage 100 foot back from the riverfront.

Public Comments: None

Conditions: None at this time

Motion: Continued to February 17, 2010 @ 7:15

1st: Barry Gradwohl

2nd: John Feener

Vote: All approved 4-0

D. Continuation- Little River-28-2002- 372 Magnolia Avenue, Notice of Intent submitted by City of Gloucester, Community Development Department, for restoration and enhancement of the Little River waterway. (Map 213 lot 16)

Applicant requests continuation to April 7th

Motion: To Approve

1st: John Feener
2nd: Charles Anderson
Vote: All Approved 4-0

PUBLIC HEARINGS 9:15 PM

A. Continuation- 28-2034- 99A Essex Ave- Notice of Intent submitted by David Hill, Gloucester Hotel LLC, to construct a 15, 940, 00 sq. ft. commercial building, a 1,710 sq. ft canopy with associated excavation, foundation and utilities and parking area in riverfront and coastal bank resource area. (Map 216 lots 1, 17 & 126)

Presenter: Mike DeRosa, DeRosa Environmental

Mr. DeRosa discussed the issues of the site being a previously developed area.

Part 1-Absence of topsoil

Mr. DeRosa stated that there is evidence of the area being previously developed and showed a 1995 photograph of tanks, and as the site as having a parking area. A photograph dated in 2005 showed a parking lot and the same use of the area.

The site meets the absence of topsoil condition in a previously developed area; therefore a alternative analysis plan is not required.

Bill stated that in his opinion it has been previously disturbed.

Sieve analysis;

The analysis was done in three areas, and the data showed that there was 50% of processed gravel in all areas. The analysis does not address compaction.

Bill stated that it doesn't serve to substantiate the impervious claim. He also stated he cannot move forward until the commission deems that it is a disturbed site or not, which will determine what next steps can be done next.

For the record: Bill says he is in agreement that there is an absence of topsoil.

Part 2: Environmental

The soil was tested in an environmental assessment. The entire site was a fill site and it was checked with 10 boring and observation wells. The analysis looked for metal oils, etc. and did find a multitude of them, however nothing above normal. Everything found in b3, b43, b7, were levels well below reportable concentration. At this time we are waiting for the water data.

The soils are good. A salinity level was also looked at and the area is coming up fresh. The area showed lower salinity than the ocean.

Mike DeRosa is a LSP= Licensed Site Professional.

Part 3: Abutters issues

Presenter: Thad Berry, Howard, Stein-Hudson Associates, Inc.

Mr. Berry responded to emailed questions sent in by abutter Mr. Alan McGlashian

Mr. McGlashian submitted 10 questions that were read and responded to by Thad Berry to the public present and to the commission. (All questions and responses are on record)

Robert Gulla stated for the record that all information is presented and heard and want it to be known that it is based on "if project goes through".

Robert Gulla stated for the record: Comment 2 & 6 will be incorporated with 3rd party review.

Commission Comments-Part 1:

Rob Gulla asks for role call on to the commission whether the site has been previously disturbed:

Charles Anderson - Yes

John Feener- Yes

Barry Gradwohl-Yes

Robert Gulla- Yes

It has been determined that 99A Essex Ave is a previously disturbed site and does not need an alternative analysis site plan.

Commission Comments-Part 2:

Robert Gulla asked Lisa Press to see if data can be available to abutters. Mr. Gulla was concerned that enough data has been collected and would like a document stating that the work has been done thoroughly, accurately and professionally.

Mike DeRosa replied that it is based on professional judgment. They will only submit to DEP if they find something.

Commission Comments-Part 3:

The commission would like all responses to be emailed back to Mr. McGlashian
Robert Gulla addressed several questions Mr. McGlashian asked that concerned the commissions. (All questions and responses are on record.)

Public Comments:

Susan Taromina, 115 Essex Ave, Gloucester

Ms. Taromina stated that the area has not been used as parking.

Dean Harrison, 5 Rocky Pasture Rd, Gloucester, Ma.

Mr. Harrison wanted to know if there is a written document on comments.

Sandra Favaloro, 111 Essex Ave, Gloucester

Does not understand what decision needs to be made.

Robert Gulla explained to the public what the commission is trying to determine at this point in the project.

Lisa Press also explained to the public that if they determined that the site was not previously disturbed then the applicant would need to do an on site and off site alternative analysis plan.

Susan Taormina, 115 Essex Ave, Gloucester

How are the trees growing in the area? Trees are growing well.

Mike Favaloro, 111 Essex Ave, Gloucester

What happened back in the 80's when a project was stopped and now something may be built.

Robert Gulla answers that in 1996 the Rivers Protection Act was passed. It has been deemed land and the statute of limitations for the filling has passed, it is not a violation anymore.

Comment on questions:

Mr. Mike Favaloro

Mr. Favaloro feels that there are inconsistencies with chap 91. Why does it apply to only one area?

Mike DeRosa clarified for the public why chap 91 applies to certain area on site plan. Susan Taormina, 115 Essex Ave, Gloucester

Ms. Taormina questioned whether the area where garage is. Would be filled in? Thad Berry stated it would be filled in.

Lisa Press made clear to the public that she will send information to anyone who requests it by email.

Sam Frontiero, Stuart Rd, Gloucester

Mr. Frontiero asked about the house on Julian Rd—By filling it in, will it cause more harm to the property?

Lisa Press answered by saying “that will be addressed at the next meeting”.

Susan Taormina, 115 Essex Ave, Gloucester

Is the depression area a FEMA flood area? Bill answered that it will be looked into. He does not believe it is, but does not have the ANRAD Report. Did you agree with boundaries? Yes, stated the commission.

Conditions: None at this time

Motion: To continue to February 3, 2010 at 8: 15

1st: Barry Gradwohl

2nd: John Feener

Vote: All approved 4-0

- B. Continuation- 28-2032- 210 Eastern Avenue-** Notice of Intent submitted by Poole Construction Inc. 210 Eastern Ave, to construct a 6,000 sq.ft. Commercial building with associated excavation, foundation and utilities in riverfront resource area. (Map 264 lot 23).

Presenter: John Judd, Gateway consultants

Mr. Judd reviewed resolved and unresolved issues pertaining to 210 Eastern Avenue. He stated that the drainage issues have been worked out and referenced letter confirming this that is on record with the commission. He stated that pages 1& 2 are resolved.

The unresolved issues are:

- O&M plan- periodic checking of pipes for maintenance
- Filter fabric to go on top of drywalls
- Infiltration BMP- not clear yet as to how it will run off, because we do not have architecturals yet
- Will have 2 6” rises for roof drain to go along building

Commission Comments:

Robert Guulla asked if the rises could be pitched toward the street?

Stan Poole said it would be pitched toward rear so parking lot doesn't freeze up.

Mr. Gulla also confirmed that it would go into the gravel.

Lisa Press stated that any unresolved issues would be a condition. She also requested a sheet of comments from Bill Ross saying all issues are resolved.

Public Comments: None

Conditions:

- **Bill Ross signs off saying everything has been covered**
- **DPW requirement over 1000sq feet – Bill Ross must receive payment before you get the order.**

Motion: To approve with the above conditions being resolved prior

1st: John Feener

2nd: Barry Gradwohl

Vote: All approved

AGENT'S REPORT ON VIOLATIONS

17 Norwood Heights

Lisa Press did not sign occupancy permit because it looks like a retaining wall made of boulders and cement has been placed at the top of the slope.

William Manuel addressed the commission and stated that the owners have 6 months after occupancy to submit a landscaping plan. He stated that the boulders are just placed at top of slope, sumacs are growing in the area and it is a natural slope. He stated that the boulder wall is temporary and will be removed when a landscape plan is implemented.

Robert Gulla is concerned that the wall is the start of something more and wanted to know if the grade has changed. Lisa Press wants to make sure that the wall isn't the start of building up the grade.

Mr. Gulla also stated that he would like to see the site. He want to see what the manipulation is and wants to make sure it is not being slowly changed to bring it where the occupants want for landscaping. He stated that grades need to match at the end and to show grade manipulation.

For future projects: Prior to planting plans grades need to match in the future

AS TIME PERMITS:

COMMISSION BUSINESS

A. Requests for Letter Permits/Modifications

28-1923 34 Sleepy Hollow Road- to amend order to restore and stabilize with landscaping

Applicant would like to replace vegetation that was lost due to septic install. He stated that the fence has been there for over three years at a minimum.

Commission comments:

John Feener wanted to confirm that trees wouldn't be removed and planted with something else like rosebushes – must replant with trees.

Robert Gulla asked if they are planting in the dunes and if they are it must be native vegetation for dunes. Also asked if a planting plan was part of mitigation? No it was not.
Mr. Gulla stated that he is not comfortable with fence on property – it is not 50% open.

Conditions:

- **No trees can not be removed without 2-1 mitigation**

Motion: To approve

1st: John Feener

2nd: Barry Gradwohl

Vote: All approved 4-0

28-2000 I Orchard Rd- to modify order- sewer line

John Feener recused himself

Applicant would like to move sewer lines from under the driveway in case of work that would need to be in the future.

Commission comments: None

Motion: To approve

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: All approved

John Feener rejoined at 8:11p.m.

B. Requests for Certificates of Compliance

28-1267; 14 Fort Hill Road

Signed documentation

All approved at last meeting

136 Rear Magnolia

136 Rear Magnolia received a superceding order from DEP regarding a metal bridge crossing. DEP issued a COC on state levels met standards for storm water replication. It will also function as storm water retention area.

John Feener stated that if something fails new homeowners would have to come to us, however Lisa Press stated that she is not sure Conservation commission can get involved.

Charles Anderson asked if we could have this issue be part of homeowner deed?

Robert Gulla stated that the replicated area is fairly small and he has no problem with it.

Motion: To approve

1st: John Feener

2nd: Barry Gradwohl

Vote: All approved 3-0

Charles Anderson abstained

C. Requests for Extension Permits

D. Correspondence and Other Commission Business as time permits

Move to adjourn;

1st: John Feener

2nd: Barry Gradwohl

Vote: All approved at 10:43p.m.

If you would like additional information regarding the review status of a particular item, please contact the Community Development Conservation Department via e-mail at mdemick@gloucester-ma.gov or via phone at 978-281-9781.

Additional information can also be obtained on the Conservation Web Page at www.gloucester-ma.gov Click Community Development for a link to Conservation.

Commission Members: If you are unable to attend the meeting, please contact the Community Development office at 978-281-9781 or send Lisa or Marie an e-mail